

**REMARKS**

The courtesy extended during the interview with the Examiner on January 9, 2006 is noted with appreciation, and the substance of the interview set forth in the interview summary is adopted.

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,758,584 to Saxton. It is respectfully submitted that claims 1 and 2 are not anticipated by Saxton.

Claims 1, 4-9, 16, 17, 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,951,575 to Dominguez. It is respectfully submitted that claims 1, 4-9, 16, 17, 19 and 20 are not anticipated by Dominguez.

As described in the background section of the specification of the present application, "loading and unloading by overhead crane is difficult due to the fact that the top chord typically overhangs the load." (p. 1.) The summary of the invention section describes how this difficulty has been overcome by the claimed railcar: "In contrast with the top chords that have been used in center beam railcars in the past, wherein the top chord is significantly wider than the intermediate portion of the center beam below the top chord, the preferred center beam railcar has a narrow top chord that does not interfere with loading by overhead crane, but still contributes significantly to the strength and load carrying capacity of the railcar." (pp. 2 and 3.) The top chords of Saxton and Dominguez overhang the loads and are significantly wider than the intermediate portion of the center beam below the top chord, and thus disadvantageously interfere with loading by overhead crane.

Saxton does not disclose a top chord having a width that is not substantially greater than the width of the intermediate structure, as required by claim 1 and by dependency claim 2. Instead, Saxton discloses a top chord 56 having a width 60 that is substantially greater than the width of the columns 84, as illustrated in Figure 4. More specifically, the width 60 of the transverse members 67 and side members 64 of the top cord is greater than the width of the columns 84.

The Office action states that member 62 is readable as a top chord. However, this argument is contradicted by the specification of Saxton, which describes its top chord as follows:

At the top of each bulkhead 30 a top chord 56 which is part of the center beam 28 is attached to a laterally central portion 68 of the top of the bulkhead 30. The top chord 56 has a width 60 of 34 inches, for example, and extends for the entire length of the car body 18 to the bulkhead 30 at the opposite end 19. The top chord 56 includes a central member 62, which may be of rectangular steel tube, and a pair of longitudinally extending tubular steel side members 64 interconnected with the central member 62 by sloping sheets 66.

(Col. 5, ll. 1-10 (emphasis added).) Thus, Saxton clearly describes that the top chord 56 includes both the transverse and side members 67 and 64 and is substantially wider than the width of the columns 84.

Dominguez does not disclose a top chord having a width that is not substantially greater than the width of the intermediate structure, as required by claim 1 and by dependency claims 4-9, 16, 17, 19 and 20. Like Saxton, Dominguez discloses a top chord (called an upper beam assembly 4) having a width that is substantially greater than the width of the supporting columns, as illustrated in Figure 7. More specifically, the width of the cross ties 16 and attached side sills 18 of the top cord is greater than the width of the supporting columns. The Office action states that member 12 is readable as a top chord. However, this argument is contradicted by the specification of Dominguez. Like Saxton, Dominguez describes its top chord as including both the cross ties 12 and the center beam 16, which are substantially wider than the width of the supporting columns.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Saxton. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez. Claims 10, 11 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dominguez in view of U.S. Patent No. 6,058,799. Given the above discussion of Saxton and Dominguez with respect to claim 1, from which claims 3, 7, 8, 10, 11 and 18 depend, it is respectfully submitted that claims 3, 7, 8, 10, 11 and 18 are not unpatentable over the cited references.

Claims 21 and 22 are also believed to be patentable over the cited references.

In view of the foregoing comments, it is respectfully submitted that claims 1-11 and 16-22 are allowable, and reconsideration and allowance of the claims are requested.

Application No. 10/810,874  
Amendment dated May 23, 2006  
Reply to the Office action of November 23, 2006

Please charge any fees required by this amendment to Deposit Account No. 06-1135.

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

Date: May 23, 2006

s/Jon A. Birmingham/

Jon A. Birmingham

Registration No. 51,222

120 S. LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: 312-577-7000  
Facsimile: 312-577-7007